

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

STATE OF MARYLAND,

*

Plaintiff,

*

Case No. 1:18-cv-00459-SAG

v.

*

EXXON MOBIL CORPORATION, *et al.*,

*

Defendants.

*

* * * * *

[PROPOSED] CASE MANAGEMENT ORDER NO. 10

This Case Management Order (“CMO”) memorializes the Parties’ agreement in connection with Defendants’ Rule 30(b)(6) Notices of Deposition to Plaintiff on Focus Sites.

I. PRODUCTION OF VICINITY SITE FILES TO DEFENDANTS.

1. Positive Test Result Sites: For each site located within a 2,500-foot radius of a Focus Site, or within any broader area identified by MDE or the Responsible Party as impacted or potentially impacted by a Release of gasoline at the Focus Site, Plaintiff will produce to Defendants every case file that it has located that contains any positive test result for groundwater, soil, or surface water contamination (hereinafter “Category 1”).
2. Negative Test Result Sites: For each site located within a 2,500-foot radius of a Focus Site, or within any broader area identified by MDE or the Responsible Party as impacted or potentially impacted by a Release of gasoline at the Focus Site, Plaintiff will produce to Defendants every case file that it has located that contains

a negative groundwater or surface water sampling or monitoring result (hereinafter “Category 2”).

3. Production of the Category 1 and Category 2 files to Defendants will take place by the deadlines set forth below.
4. “Contamination” includes all regulated substances.

II. RULE 30(B)(6) WITNESS REVIEW OF VICINITY SITE FILES.

1. For a Focus Site with five or fewer Vicinity Sites for which a Category 1 file exists:
 - (a) No later than 21 days before the scheduled Focus Site deposition, Plaintiff will produce to Defendants each Category 1 and Category 2 case file;
 - (b) Plaintiff will provide the Rule 30(b)(6) witness with each Category 1 file; and
 - (c) The parties will meet-and-confer about any Category 2 file Defendants believe the Rule 30(b)(6) witness should review and be prepared to testify about at the deposition.
2. For a Focus Site with more than five Vicinity Sites for which a Category 1 file exists:
 - (a) No later than 30 days before the scheduled Focus Site deposition, Plaintiff will produce to Defendants each Category 1 and Category 2 case file;
 - (b) Plaintiff will provide the Rule 30(b)(6) witness with each Category 1 file unless Plaintiff believes doing so is unduly burdensome, in which case Plaintiff shall:
 - (1) so inform Defendants at the time the Category 1 files are produced to Defendants, and

- (2) identify to Defendants which Category 1 files Plaintiff proposes not to provide to its Rule 30(b)(6) witness; and
- (c) No later than 21 days prior to the focus site deposition, the parties shall complete a meet-and-confer regarding which files Plaintiff's Rule 30(b)(6) witness has reviewed or will utilize to prepare for the deposition.

3. For Focus Site depositions taking place in April 2024, Plaintiff will produce the documents in Categories 1 and 2 and identify any need to meet and confer regarding the witnesses' review no later than April 10, 2024.

III. SURFACE WATER CONTAMINATION.

1. Several Designated Issues in Defendants' Focus Site notice address surface water contamination in the Vicinity of each Focus Site. The Parties are conferring on witness preparation regarding detections of such contamination.

IV. IDENTIFICATION OF OMITTED VICINITY SITES AND FILES FOR DEPOSITIONS ALREADY TAKEN.

1. By April 24, 2024, Plaintiff shall:
 - (a) identify to Defendants each Vicinity Site that its Rule 30(b)(6) witness was not provided case files for (Category 1 or Category 2) in connection with any focus site deposition that has already been conducted, and
 - (b) for each such Vicinity Site provide a written explanation of Plaintiff's basis for not providing its Rule 30(b)(6) witness with the case file(s).
2. By May 20, 2024, Plaintiff shall produce each case file described in (a) above.

V. PRODUCTION OF DOCUMENTS IN RESPONSE TO DEPOSITION NOTICES.

1. Plaintiff has committed to produce documents responsive (if any) to the document requests in each deposition notice that do not fit into Category 1 or Category 2 no later than 10 business days in advance of each deposition. For depositions that will take place in April 2024, documents shall be produced by April 11, 2024.
2. This deadline does not apply to documents created or reviewed by the witness fewer than 10 business days in advance of each deposition. Plaintiff shall produce such documents as far in advance of each deposition as practicable.

SO ORDERED:

/s/

Stephanie A. Gallagher, U.S.D.J.

DATED: April 10, 2024